

REMARKS

The current divisional application is filed under 37 CFR § 1.53(b) as a divisional of U.S. co-pending patent application No. 09/298,508 ('508 application). As of the date of this filing, the Examiner has restricted out further prosecution of the claims that are added to the specification here.

Pursuant to both the Examiner's Restriction Requirement and MPEP § 2315.01, the claims added above represent a separate and divisible invention from the subject matter of the current claims of the '508 application. It is Applicant's understanding that these claims may proceed into *Ex Parte* prosecution without being effected by the status of the parent co-pending application. Moreover, it is Applicant's understanding that the claims provided herein, as a product of the Restriction Requirement made by the Examiner in the parent in the May 14, 2003 Action, will not be subject to a double patenting rejection based on any allowed or allowable claims of the parent application.

Original claims 1 through 91 of the '508 application as filed have been canceled herein. New claims 92 through 130 have been added and are now pending. Early and favorable review of the pending claims is earnestly sought.

Applicants also wish the Examiner to take note that their representation before the USPTO has recently changed. This change in representation has necessitated a review of the specification and prior prosecution activities by their new attorney. During this review it was determined that the new claims presented herein, and previously restricted out by the Examiner should be provided and prosecuted to more fully present the invention for examination. Therefore the pending claims as provided by Applicant are thus intended to be fully grounded in the teachings of the specification. MPEP §§ 608.01; 714.

Applicants respectfully submit that the pending claims of this application are in condition for allowance, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. For the convenience of the Examiner please see the pending claims in the attached Claims Appendix.

If the Examiner disagrees with any of the remarks herein, or believes for any other reason that direct contact with Applicant's attorney would advance the prosecution of the case to finality, the Examiner is invited to telephone the undersigned at the number given below. Consideration of this Preliminary Amendment is respectfully requested.

The Commissioner is authorized to charge any fee which may now or hereafter be due for this divisional application to GTC Biotherapeutics' Deposit Account No. 502092.

Early and favorable action is earnestly solicited.

Respectfully Submitted,

Date: 9/11/03

By: 

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